

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

LATONYA M. COLLINS, as)	
Personal Representative of the Estate)	
of LARRY COLLINS, deceased,)	
)	
Plaintiff,)	
)	
v.)	Case No.: CIV-09-756-W
)	
WILLIAM CITY, ET AL,)	
)	
Defendants.)	

JOINT MOTION FOR STAY OF ALL PROCEEDINGS

COMES NOW, James B. Robertson, Assistant District Attorney, on behalf of Sheriff John Whetsel, officially, Susan Knight, on behalf of Katie Lawson, individually, and Patrick Cawley, on behalf of Catherine McVey, in her individual capacity, Audrey M. Reiber, Colleen M. Fickel, in their individual and official capacities, and hereby requests that this Court enter an order staying all proceedings pending ruling of Motion to Dismiss (Doc. 138). In support of this Motion the following is asserted:

1. On August 22, 2011, the aforementioned Defendants filed a Motion to Dismiss herein regarding Plaintiff's failure to meet deadline requirements relating to witness, lay and/or expert, and/or exhibit list; (Doc. 138)
2. Currently, there are two depositions scheduled and noticed through the Court; (Doc. 136 and 137)

3. Pending the ruling of the Defendants Motion to Dismiss, the continuation of proceedings including the expense of depositions which could easily be rescheduled and would not prejudice any party in that event;

4. Additionally, pursuant to the Court's scheduling Order entered in this matter (Doc. 125), requiring these defendants to file their objections to Plaintiff's witnesses and exhibit list (not filed) pursuant to Fed. R. Civ. P. 26(a)(3)(B) by August 30th, 2011. Furthermore, these defendants are to submit their own witness and exhibit lists no later than August 30th, 2011. Again, not having the benefit of the plaintiff's witness and exhibit lists prohibits these defendants from determining those witnesses/exhibits needed to rebut plaintiff's claims; and

5. Obviously, should the Motion to Dismiss be granted be sustained, then the depositions and witness and exhibit list(s) would be moot. Should the Court overrule the Motion to Dismiss and allow Plaintiff to submit a belated witness and/or exhibit list, then these defendants would request that the timing set forth in the Scheduling Order remain intact allowing these defendants the opportunity to review Plaintiff's witnesses and exhibits prior to submitting their own.

Respectfully submitted,

DAVID PRATER
DISTRICT ATTORNEY

BY: /s/James B. Robertson
JAMES B. ROBERTSON, OBA # 13911
ASSISTANT DISTRICT ATTORNEY
320 Robert S. Kerr, Room 505
Oklahoma City, Oklahoma 73102

(405) 713-1600 FAX: 713-1749
JRobertson@oklahomacounty.org
Attorney for Sheriff John Whetsel, in his official capacity

/s/Susan A. Knight
Susan A. Knight, OBA #14594
FENTON FENTON SMITH RENEAU &
MOON
211 N. Robinson Ave., Suite 800 N
Oklahoma City, OK 73102
Attorney for Defendant Lawson

/s/Patrick S. Cawley
Patrick S. Cawley, PA 85575
Attorney General's Office – PA
Strawberry Square, 15th Flr
Harrisburg, PA 17120
Attorney for Defendants McVey, Fickel and Reiber

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2011, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Morris W. Thompson
MORRIS W. THOMPSON LAW FIRM, P.A.
PO Box 662
Little Rock, AR 72203
Attorney for Plaintiff

Anthony Q. Coleman
GOZA LAW FIRM
101 Park Ave., Suite 460
Oklahoma City, OK 73102
Attorney for Plaintiff

/s/James B. Robertson